

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

WILLIAM STEPHEN TOTH,

Plaintiff,

Case No. 13-13429

Honorable Thomas L. Ludington

v.

WELLS FARGO BANK, et al.

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND *SUA SPONTE* DISMISSING CASE**

William Toth filed this *pro se* action on August 9, 2013. That same day he filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1), which was granted. Pursuant to § 1915, United States Magistrate Judge Charles E. Binder reviewed Toth's complaint and recommended its dismissal. Judge Binder concluded that the complaint "fails to include any specific statement of the facts nor does it include any supporting documentation to allow the court to more clearly understand what happened." Report & Rec. 3, ECF No. 5. Specifically, "[t]he complaint alleges a wrongful foreclosure, but does not indicate when or whether a mortgage was entered into, who the parties were, when any default occurred, steps taken after any default, [or] how the foreclosure process proceeded." *Id.* As of today's date, no party has filed any objections to Judge Binder's report and recommendation. The election to not file objections to the report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the Judge Binder's report and recommendation, ECF No. 5, is **ADOPTED**.

It is further **ORDERED** that Toth's complaint, ECF No. 1, is **DISMISSED**.

Dated: September 9, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon William Stephen Toth, at 7539 Elm Highway, Posen, MI 49776 by first class U.S. mail on September 9, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS